

Marilyn D. Garner, Attorney at Law

2000 East Lamar Boulevard

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Bar Number: 07675550

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

(H) **Eltee O. Dave, Jr.**

(W)

Debtor(s)

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CASE NO:

FOR CLERK'S USE ONLY

DEBTOR'S PRELIMINARY CHAPTER 13 PLAN

DATED: **1/5/2004**.

TRUSTEE'S NOTES:		Date Case Filed	
		Type of Payment 1=Annual, 2=Semi-Annual 4=Quarterly, 12=Monthly	12
		First Payment Due	2/19/2004
H&W Monthly Take Home Pay	\$1,418.06	Periodic Payment Amount	Variable*
Less Expenses	\$1,365.19	Number of Plan Payments	58 months
Equals Surplus	\$52.87	Equals Base Plan Amount	\$9,800.00
		Calculated Amount	\$9,800.00
Total Debtor Attorney Fees	\$2,000.00	Noticing Fees: # of Notices X 1 The Trustee shall be allowed to collect noticing fees from the first distribution to creditors.	
Attorney Fees paid by Trustee (Gross amount paid including interest, if any)	\$1,500.00		
Total Filing Fees of <u>\$194.00</u> with	\$0.00 paid by Trustee	Rate	\$1.05
		Total Noticing Fees	\$11.55

HOME MORTGAGE:

Regular mortgage payments on all liens to be paid "Direct" by Debtor beginning on **N/A**.

Arrearages are to be paid by the Trustee as follows:

Lien Holder	Total Arrearage	Through MM/DD/YY	Interest Rate	Payment Term	# of Payments	Periodic Payment Amount
(None)						

SECURED CREDITORS:

Name	Description of Collateral	Scheduled Amount	Value of Collateral	Annual Int. Rate	Term	# of Pmts.	CD	Periodic Payment Amount
Amerquest Mortgage	1041 Indian Hills Drive, Grand Prairie, T	\$1,080.00	\$1,080.00	7%	1-58	58	1	Pro-Rata
Dallas County Tax Assessor	Homestead	\$5,822.00	\$40,510.00	0%	1-58	58	1	Pro-Rata
Amerquest Mortgage	1041 Indian Hills Drive, Grand Prairie, T	\$15,762.87	\$40,510.00	7%	N/A	N/A	0	\$0.00 (Direct)
Earl Hyles Auto Sales	'89 Chevy Cavalier	\$450.00	\$1,200.00	8%	N/A	N/A	0	\$0.00 (Direct)

CD..... 0 = Direct or Surrender, 1 = Paid by Trustee (Any Deficiency will automatically be bifurcated or "split" and included in the unsecured class)

* See Pro Forma, if attached, for a detail of Pro-Rata and/or Variable payments.

Computer software provided by LegalPRO Systems, Inc., San Antonio, Texas - (210) 561-5300.

(H) Eltee O. Dave, Jr.
(W)
(C#)**DEBTOR'S PRELIMINARY CHAPTER 13 PLAN**

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EXECUTORY CONTRACTS AND UNEXPIRED LEASES:

Creditor Name	Description of Contract	Election	In Default
(None)			No

PRIORITY CREDITORS:

Name	Amount Disputed	Scheduled Amount	Annual Int. Rate	Term	# of Pmts.	Periodic Payment Amount
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SPECIAL CLASS UNSECURED CREDITORS:

Name	Basis for Classification	Scheduled Amount	Annual Int. Rate	Term	# of Pmts.	Periodic Payment Amount
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GENERAL UNSECURED CREDITORS:

The general unsecured creditors, listed below, will receive an estimated 3% of their claims, or a pro rata share of Total Payments (Base Plan Amount) shown above, after all of the above claims are paid in full.

Name	Note	Amount
Alm Insurance Agency		\$0.00
Earl Hyles Auto Sales		\$450.00
Medical Center of Arlington		\$3,068.38
Medical Center of Arlington		\$0.00
Medical Center of Arlington		\$1,828.30
National Lloyds Insurance Co.		\$613.00

Total Unsecured Debt ---> **\$5,959.68**

The total of all unsecured debt, including deficiencies is **\$5,959.68** with **\$173.80** paid to the unsecured creditors.

(H) Eltee O. Dave, Jr.

DEBTOR'S PRELIMINARY CHAPTER 13 PLAN

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(W)

(C#)

COMPUTATION OF REQUIRED PLAN PAYMENTS:

	Total Amounts	Total Payments with Interest (Gross amount to be disbursed)
Filing Fees	\$0.00	\$0.00
Noticing Fees	\$11.55	\$11.55
Debtor Attorney Fees	\$1,500.00	\$1,500.00
Home Mortgage Arrears	\$0.00	\$0.00
Secured Claims	\$6,902.00	\$7,135.80
Priority Claims	\$0.00	\$0.00
Special Class Unsecured Claims	\$0.00	\$0.00
General Unsecured Claims	\$5,959.68	\$173.80
Totals	\$14,373.23	\$8,821.15
With Zero to Unsecureds	\$9,626.20	Trustee Fees \$978.84
Base Plan Amount	\$9,800.00	10 % of Total Payments (less filing & noticing fees)
Available for Unsecureds	\$173.80	Total Payments Total distribution + Trustee Fees + Filing & Notice Fees \$9,799.99
Unsecured Percentage Computed on Base Plan Amount	3%	Required Periodic Payment to Achieve Unsecured Percentage \$168.97

* See Pro Forma, if attached, for a detail of Pro-Rata and/or Variable payments.

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DEBTOR'S PRELIMINARY CHAPTER 13 PLAN

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing PRELIMINARY CHAPTER 13 PLAN was served upon the following parties of interest:

and all parties and creditors listed on the original mailing matrix and any amended mailing matrix.

DATED: _____

/s/ Marilyn D. Garner

Marilyn D. Garner

Marilyn D. Garner, Attorney at Law

2000 East Lamar Boulevard

Suite 600

Arlington, Texas 76006

Phone: (817) 588-3075

Bar Number: 07675550

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

Eltee O. Dave, Jr.

Debtor(s)

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CASE NO:

FOR CLERK'S USE ONLY

AUTHORIZATION FOR PRE-CONFIRMATION DISBURSEMENT DATED: 1/5/2004

The undersigned Debtor(s) hereby request that payments received by the Trustee prior to confirmation be disbursed in accordance with Standing Order Number 93-1, as indicated below:

Periodic Payment Amount	Variable Plan Payments. See Monthly Schedule below.*	
Disbursements	First (1)	Second (2) (Other)
Account Balance Reserve	\$5.00	See below*
Related Expense to Trustee	\$4.50	See below*
Filing Fees	\$0.00	See below*
Noticing Fees	\$11.55	See below*
Subtotal Expenses/Fees	\$21.05	See below*
Available for Adequate Protection, Attorney Fees and Undisputed Priority Claims from First and Second Disbursements:	\$28.95	See below*

SECURED CREDITORS:

Name	Collateral	Scheduled Amount	Value of Collateral	Adequate Protection Percentage	Adequate Protection Payment Amount
Ameritrust Mortgage	1041 Indian Hills Drive, Grand Pra	\$1,080.00	\$1,080.00	1.25%	\$13.50
Dallas County Tax Assessor	Homestead	\$5,822.00	\$40,510.00	1.25%	\$72.78

Total Adequate Protection Payments: **\$86.28**

Funds Available For Debtor's Attorney First Disbursement: **\$0.00**

Funds Available For Debtor's Attorney Future Disbursements: **See below***

Estimated Number of Months to Pay all Attorney Fees: **29**

Available For Secured Creditors as Authorized Above After Debtor's Attorney Fees are Paid in Full: **\$180.00****

ADEQUATE PROTECTION PAYMENTS TO SECURED CREDITORS WILL AUTOMATICALLY INCREASE TO PLAN PAYMENT AMOUNTS IF ATTORNEY'S FEES ARE PAID IN FULL OR \$1,500.00 IS PAID AND \$500.00 IS RESERVED PRIOR TO CONFIRMATION. ANY EXCESS FUNDS WILL BE PAID TO UNDISPUTED PRIORITY AND/OR SPECIAL CLASS UNSECURED CLAIMS.

** Amount is based on the plan payment scheduled on the month following the month when the attorney fees are paid in full.
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(H) Eltee O. Dave, Jr.
(W)
(C#)**AUTHORIZATION FOR PRE-CONFIRMATION DISBURSEMENT**

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***Monthly Schedule**

Month	Plan Payment	Account Balance Reserve	Related Expense to Trustee	Filing Fees	Noticing Fees	Subtotal Expenses/ Fees	Available	Available for APD	Available for Attorney
1	\$50.00	\$5.00	\$4.50	\$0.00	\$11.55	\$21.05	\$28.95	\$28.95	\$0.00
2	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
3	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
4	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
5	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
6	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
7	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
8	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
9	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
10	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
11	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
12	\$50.00		\$5.00			\$5.00	\$45.00	\$45.00	\$0.00
13	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
14	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
15	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
16	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
17	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
18	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
19	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
20	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
21	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
22	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
23	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
24	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
25	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
26	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
27	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
28	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72
29	\$200.00		\$20.00			\$20.00	\$180.00	\$86.28	\$93.72

☐ PROPOSED, AUTHORIZED, REQUESTED AND ACKNOWLEDGED BY DEBTORS:☐ DEBTOR(S) DECLINE(S) AUTHORIZATION FOR PRE-CONFIRMATION DISBURSEMENT:

DATED: _____

/s/ Marilyn D. Garner

Attorney for Debtor(s)

Trustee, Attorney for Trustee or Trustee's Representative

Marilyn D. Garner, Attorney at Law

2000 East Lamar Boulevard

Suite 600

Arlington, Texas 76006

Phone: (817) 588-3075

Bar Number: 07675550

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE: §
(H) **Eltee O. Dave, Jr.** § CASE NO:
xxx-xx-1547 §
(W) §
Debtor(s) §

FOR CLERK'S USE ONLY

CHAPTER 13 PLAN SUMMARY (EXHIBIT "A")

DATED: **1/5/2004**

Petition was filed on _____.

H&W Monthly Take Home Pay: **\$1,418.06** Expenses: **\$1,365.19** Surplus: **\$52.87**

First payment due by: **2/19/2004**.

PLAN PAYMENT: Debtor(s) to pay **Variable*** per month for **58 months** for a total of **\$9,800.00**.

ADMINISTRATIVE: Total debtor's attorney fees of **\$2,000.00** with **\$1,500.00** through the plan.

Outstanding filing fees of _____ will be paid through the plan.

If applicable, the trustee shall collect noticing fees from the first disbursement in the amount of **\$11.55**.

HOME MORTGAGE: Regular mortgage payments on all liens to be "Direct" by Debtor beginning _____; arrearages to be paid by the Trustee as follows:

Lien Holder	Total Arrearage	Through MM/DD/YY	Interest Rate	Payment Term	# of Payments	Periodic Payment Amount
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SECURED CREDITORS:

Name	Description of Collateral	Scheduled Amount	Value of Collateral	Annual Int. Rate	Term	Periodic Payment Amount
Amerquest Mortgage	1041 Indian Hills Drive, Grand Prairie, TX	\$1,080.00	\$1,080.00	7%	1-58	Pro-Rata
Dallas County Tax Assessor	Homestead	\$5,822.00	\$40,510.00	0%	1-58	Pro-Rata
Amerquest Mortgage	1041 Indian Hills Drive, Grand Prairie, TX	\$15,762.87	\$40,510.00	7%	N/A	\$0.00 (Direct)
Earl Hyles Auto Sales	'89 Chevy Cavalier	\$450.00	\$1,200.00	8%	N/A	\$0.00 (Direct)

EXECUTORY CONTRACTS AND UNEXPIRED LEASES:

Creditor Name	Description of Contract	Election	In Default
(None)			

No

PRIORITY CREDITORS:

Name	Amount Disputed	Scheduled Amount	Annual Int. Rate	Term	Periodic Payment Amount
Law Firm of Marilyn D. Garner	\$0.00	\$1,500.00	0%		First Funds

SPECIAL CLASS UNSECURED CREDITORS:

Name	Basis for Classification	Scheduled Amount	Annual Int. Rate	Term	Periodic Payment Amount
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* Variable Payments Scheduled. See Pro Forma, if attached.

(H) Eltee O. Dave, Jr.

CHAPTER 13 PLAN SUMMARY (EXHIBIT "A")

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(C#)

GENERAL UNSECURED CREDITORS:Pay approximately 3%.

Name	Disputed	Contingent	Note	Amount
Alm Insurance Agency	<input type="checkbox"/>	<input type="checkbox"/>		\$0.00
Earl Hyles Auto Sales	<input type="checkbox"/>	<input type="checkbox"/>		\$450.00
Medical Center of Arlington	<input type="checkbox"/>	<input type="checkbox"/>		\$3,068.38
Medical Center of Arlington	<input type="checkbox"/>	<input type="checkbox"/>		\$0.00
Medical Center of Arlington	<input type="checkbox"/>	<input type="checkbox"/>		\$1,828.30
National Lloyds Insurance Co.	<input type="checkbox"/>	<input type="checkbox"/>		\$613.00
Total Unsecured Debt --->				\$5,959.68

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE: **Eltee O. Dave, Jr.**

CASE NO

*Debtor(s)*CHAPTER **13**

EXHIBIT "B" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>
1	\$50.00	21	\$200.00	41	\$200.00
2	\$50.00	22	\$200.00	42	\$200.00
3	\$50.00	23	\$200.00	43	\$200.00
4	\$50.00	24	\$200.00	44	\$200.00
5	\$50.00	25	\$200.00	45	\$200.00
6	\$50.00	26	\$200.00	46	\$200.00
7	\$50.00	27	\$200.00	47	\$200.00
8	\$50.00	28	\$200.00	48	\$200.00
9	\$50.00	29	\$200.00	49	\$200.00
10	\$50.00	30	\$200.00	50	\$200.00
11	\$50.00	31	\$200.00	51	\$200.00
12	\$50.00	32	\$200.00	52	\$200.00
13	\$200.00	33	\$200.00	53	\$200.00
14	\$200.00	34	\$200.00	54	\$200.00
15	\$200.00	35	\$200.00	55	\$200.00
16	\$200.00	36	\$200.00	56	\$200.00
17	\$200.00	37	\$200.00	57	\$200.00
18	\$200.00	38	\$200.00	58	\$200.00
19	\$200.00	39	\$200.00	59	
20	\$200.00	40	\$200.00	60	